

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Joseph A. Porter,

Plaintiff,

Civ. No. 09-2536 (RHK/XXX)

ORDER

v.

Officer Mark McDonough and City of
Coon Rapids,

Defendants.

Having considered the parties' arguments on their Motions in Limine and reviewed the supplemental submissions and objections submitted subsequent to the pretrial conference held on January 5, 2011, for the reasons set forth below, **IT IS ORDERED** as follows:

1. Defendants' Motion in Limine to Exclude Evidence of Other Incidents (Doc. No. 41) is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff may inquire on cross-examination into the prior incidents about which Officer McDonough testified in his deposition and Officer McDonough's standard practices with respect to documenting incidents; however, Defendants' objections to the Exhibits documenting prior incidents (Plaintiff's Exhibits 16–31) are **SUSTAINED** and those documents will not be admitted at trial.

2. Plaintiff's Motion in Limine to exclude or limit evidence of Plaintiff's criminal history (Doc. No. 39, ¶ 1) is **GRANTED IN PART** and **DENIED IN PART**.

Defendants may inquire into Plaintiff's three recent felony convictions and his gross misdemeanor DWI conviction arising out of the August 31, 2007 incident, and may offer evidence of those convictions for purposes of impeachment. Defendants may also inquire about Plaintiff's shoplifting incident and flight from the police on May 15, 2008. Plaintiff's Motion is **GRANTED** with respect to any evidence of Plaintiff's remaining criminal history. Plaintiff's Supplemental Objections to Defendants' Exhibits 1B–1H (Doc. No. 74) are **SUSTAINED**. If Defendants still intend to offer Defendants' Exhibit 1A, it must be redacted according to this ruling; and

3. The Court **RESERVES** ruling on the parties' remaining objections to exhibits until they are offered at trial.

Dated: January 12, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge